

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

KEVIN JONES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:10-CV-293 (MTT)
)	
JEFF PETTY, <i>et al.</i>,)	
)	
Defendants.)	
)	

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 41). The Magistrate Judge, having reviewed the Defendants' Motions to Dismiss (Docs. 17, 27), recommends denying the Motions on the Plaintiff's excessive force claims because the Plaintiff alleges Defendants Chance Allen and Officer Davidson caused his facial swelling and permanent limp, and the Prisoner Litigation Reform Act allows prisoners to recover monetary damages if they can show a physical injury. The Magistrate Judge recommends granting the Motions on the Plaintiff's request for compensatory and punitive damages on his free exercise of religion claims because the PLRA does not allow this relief in the absence of a physical injury. However, the Magistrate Judge recommends denying the Motions on the Plaintiff's request for nominal damages on his free exercise of religion claims because the PLRA allows him to recover these damages in the absence of a physical injury. None of the Parties filed an objection to the Recommendation. The Court has reviewed the Recommendation, and the

Recommendation is adopted and made the order of this Court. The Motions are **GRANTED in part** and **DENIED in part**.

SO ORDERED, this the 29th day of September, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT